

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:13-CR-205 MAC/CAN
	§	
MAKEISHA ANN WILLIAMS (5)	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government’s request for revocation of Defendant’s supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on June 22, 2017, to determine whether Defendant violated her supervised release. Defendant was represented by Denise Benson. The Government was represented by Ernest Gonzalez.

On September 8, 2014, Defendant was sentenced by the Honorable Richard A. Schell, United States District Judge, to a sentence of twenty-seven (27) months imprisonment followed by a five (5) year term of supervised release for the offense of Conspiracy to Commit Bank Fraud. Defendant began her term of supervision on October 29, 2015. This case was transferred to the Honorable Marcia A. Crone on October 29, 2015.

On May 19, 2017, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the “Petition”) (Dkt. 225). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not illegally possess a controlled substance; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (3) Defendant shall pay restitution in the amount

of \$4,010; and (4) Defendant shall reside in a residential reentry center or similar facility, in a prerelease component for a period of 180 days to commence upon release from confinement and shall observe the rules of that facility. Should Defendant obtain a residence approved by the probation officer during the 180 day placement, Defendant shall be released.

The Petition alleges that Defendant committed the following violations: (1) On November 5, 2015, Defendant submitted a urine specimen which tested positive for methamphetamine and cocaine. The specimen was confirmed positive for cocaine by Alere Toxicology Services, Inc; (2) On March 29, 2017, Defendant submitted a urine specimen which tested positive for cocaine. Defendant admitted to using cocaine. On March 31, 2017, Defendant submitted a urine specimen which tested positive for cocaine. The specimen was confirmed positive for cocaine by Alere Toxicology Services, Inc. On April 19, 2017, Defendant submitted a urine specimen which tested positive for cocaine. Defendant admitted to using cocaine; (3) Defendant failed to make restitution payments from October 2016 through February 2017; and (4) On November 18, 2015, Defendant was unsuccessfully discharged from the residential reentry center for failing a breathalyzer test.

At the hearing, Defendant entered a plea of true to Allegations 1 and 2. Defendant waived her right to allocute before the district judge and her right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of her supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the June 22, 2017, hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months and one (1) day, with twelve (12) months supervised release to follow.

SIGNED this 26th day of June, 2017.

A handwritten signature in black ink, appearing to read 'KLPJ', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE